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T-305 P21/26 U-090

Appl. No. 10/006,419

Amdt. dated January 6, 2005

Reply to Office action of October 6, 2004.

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REMARKS/ARGUMENTS

JAN 06 2005

Reconsideration of the application is requested.

Claims 1-16 and 18-61 are now in the application. Claims 1, 14, 31, and 32 have been amended. Claim 17 has been canceled without prejudice. Claims 36-61 have been added.

Basis for the changes and additions is found in Example 1 and the original claims.

It is noted with appreciation that claims 10, 18, and 30 have been allowed and claim 17 has been indicated as allowable upon correction of an error. The "limiting ash content" feature of claim 17 has been incorporated in amended claim 14. Claim 17 as a result becomes redundant and is canceled without prejudice. All newly added claims are within the scope of one of the allowed or allowable claims.

Applicants also note with appreciation that previous objections to specification and claims and certain claim rejections (Office action items 1-5 and 8) have been withdrawn.

In item 7 of the Office action, the Examiner again rejected claims 1-6, 13-16, 22-24, and 31-33 as being anticipated by

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Woods (U.S. 6,656,580) and Technical Data Sheets for Resinol 90C and Resinol RTC under 35 U.S.C. § 102(e). The rejection has been noted and the claims have been amended in an effort to define more clearly the invention of the instant application. In particular, the limitation of ash content present in the graphite to 4% or less of allowable claim 17 has been incorporated in claims 1 and 14 and the claims dependent thereupon. Similarly, the novel requirement of filler to be present in the composition of allowed claim 10 and in the process of claim 30 now extends to the newly added claims dependent upon claim 10 or claim 30.

Claims 31 and 32 drawn respectively to a sealing element and a fuel cell component have been amended to require the acrylic resin system to be that of trimethylenedimethacrylate and at least one azo initiator. Woods does not disclose a sealing element or a fuel cell component that satisfies the requirements of these claims.

Claim 33 has not been amended, as applicants have found that Woods does not disclose the function of the graphite plate as a heat conducting element, in the passages cited at page 4 of the Office action or elsewhere in the document.

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Consequently, claims 1-6, 13-16, 22-24 and 31-33 are deemed to be novel and not anticipated by Woods and the Technical Data Sheets for Resinol 90C and Resinol RTC under 35 U.S.C. § 102(e).

In item 10 of the Office action, the Examiner rejected claims 7-9 and 25-29 as being unpatentable over Woods and the Technical Data Sheets for Resinol 90C and Resinol RTC, under 35 U.S.C. § 103(a).

These are claims dependent upon claims 1 and 14, respectively. With the above amendments to the independent claims to conform their scope to that of the allowable and allowed claims 10, 17, 18, and 30, claims 7-9 and 25-29 are patentable over the art also.

In item 11 of the Office action, the Examiner rejected claim 35 as anticipated Woods and the Technical Data Sheets for Resinol 90C and Resinol RTC, under 35 U.S.C. § 102(e).

Claim 35 depends upon 32 which has been amended as explained above. With the amendment of claim 32, claim 35 is believed to be novel and not anticipated by Woods.

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In item 12 of the Office action, the Examiner rejected claims 19-21 as being unpatentable over Woods and the Technical Data Sheets for Resinol 90C and Resinol RTC, under 35 U.S.C. § 103(a).

Claims 19-21 depend upon claim 14. With the above amendment to the independent claim to conform in scope to that of the allowable claim 17, claims 19-21 are patentable over the art also.

In item 13 of the Office action, the Examiner rejected claims 11, 12, and 34 as being anticipated by or unpatentable over Woods and the Technical Data Sheets for Resinol 90C and Resinol RTC, under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a).

Claims 11-12 depend upon claim 1 and claim 34 depends upon claim 31. With the above amendment to the independent claims, claims 11-12 and 34 are patentable over the art also.

In view of the foregoing, reconsideration and allowance of claims 1-16 and 18-61 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted.

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Counsel's payment in the amount of \$1,250.00 for 25 claims in excess of twenty is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicants
OSK:tk

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